

18 control means does not allow the output of said digital voice data to said conversion  
19 means; and  
20 a speaker means for emitting said analog voice data into the air.

### **REMARKS**

By this amendment minor corrections of the specification have been made.

Claims 1, 3-4 are currently pending in the application. By this amendment, claim 1 is amended. Attached hereto is a separate sheet entitled "Clean Copy of Claims" showing a clean copy of the amended claim, and a separate sheet entitled "Clean Version of Changes to Specification" showing the clean copy of replacement paragraph to the specification. Support for the amendments is provided in at least Figure 1 and at pages 8-10 of the present specification. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Henley et al. (U.S. Patent 5,526,353) in view of Shiono (U.S. Patent 4,618,936). This rejection is respectfully traversed.

Applicant respectfully calls the Examiner's attention to the main idea of the present invention which is providing an improved speaker performance in the case when the transmission data is disrupted. In order to achieve this function, the present invention performs monitoring quantity of data in a speaker output buffer and according with adjusting voice data supply to the speaker accordingly. The present invention is principally focused on improvement of the speaker performance.

However, the primary reference cited by the Examiner does not show speaker at all and is very remote from the problem resolved by the present invention. As it was discussed in the previous argument the reference to Henley et al. resolves the different problem of packet for transmission and does not show the speaker buffer, speaker and etc., which are the most important elements of the present invention. To emphasize the distinction, claim 1 has been amended to specify certain details of the present invention. Specifically, claim 1 as amended

recites,

“A voice transceiver comprising:

an input means for inputting compressed voice codes of analog data;

an expansion means for digitalizing said compressed voice codes, and  
expanding and outputting said digital voice data;

a selective disposal unit for discarding said digital voice data;

a buffer means, located between said selective disposal unit and a  
conversion means, for storing said digital voice data;

a detection means for detecting the quantity of data stored in said buffer,  
and outputting a detection signal as a detection result to said input means and to  
said selective disposal unit;

the conversion means for converting said digital voice data into analog  
voice data based on said detection signal,

a data control means for controlling the output of said digital voice data,  
stored in said buffer means, to said conversion means, based on said detection  
signal; wherein, said data control means outputs a dummy code to said expansion  
means, in the case when said digital voice data stored in said buffer means is less  
than a required amount for play back; in contrast, in the case when said buffer  
means approaches an overflow amount, said data control means does not allow  
the output of said digital voice data to said conversion means; and

a speaker means for emitting said analog voice data into the air.”(emphasis  
added)

The Examiner also refers to column 15, lines 1-16 in Henley et al. rejecting claim 3 of the  
present invention. However, the patent to Henley et al. in column 15, lines 1-16 discusses  
absolutely different matter related to length of an audio samples. Applicant disagrees that this  
citation could be a sufficient reason for rejecting claim 3.

In the office action the Examiner correctly states that the reference to “Henley et al. does  
not explicitly teach detection means” and erroneously refers to Shiono, as providing a structure  
functionally similar to the claimed by Applicant “a detection means”. The Examiner states that

subblocks 34, 36, 40, 62, 64 and 44, shown in Figure 5 of the reference to Shiono, are functionally equivalent to the Applicant's detection means. Applicant respectfully disagrees and points out that the explicit recitation in claim 1 a detection means detects the quantity of voice data in speaker output buffer 501. In contrast, as pointed by the Examiner, buffer 36, "stores the code signal for selecting the speech data stored in the quantized speech data memory 38." This means in the that buffer 36 includes codes of voice data before digitalizing and expanding. Furthermore, Shiono does not specify anywhere that detecting the quantity of voice data before converting it for speaker's use is performed:

"The code signal stored in the speech data buffer memory 36 is read out through the use of a read out control circuit 44 (step n16), and is applied to a code converter 46 (step n16). (Column 3 lines 43-47)

Applicant respectfully points out that the reference to Shiono does not supply a teaching which answers the claim recitation where the primary reference to Henley et al. is deficient to do so and therefore the combination of Henley et al. with Shiono does not support a prima facie demonstration of the present invention as claimed.

Summarizing, the above arguments Applicant respectfully submits that there are new distinguishable features which are not shown by the reference:

- no reference provides a buffer located between selective disposal unit and a converter;
- no reference detects the quantity of stored data stored in this buffer;
- no reference discloses a data control means for controlling the output of digital voice data from said buffer to conversion means;
- no reference shows a selective disposal unit for discarding digital voice data in accordance with the signal from controlling means.

All listed above features support the advantages of the present invention. Therefore, for the reason advanced, it is submitted that claim 1 as amended clearly define over the prior art relied on by the Examiner.

In view of the foregoing amendments and remarks, Applicant submits that all of the claims as amended are patentably distinct from the prior art of record and are in condition for

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allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



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